IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.906 OF 2007
IN
SUIT NO.2704 OF 2003

Smt.Sharifunisa Wd/o Saeed Ahmed
& Ors. ..Plaintiffs.

V/s.

Jameel Ahmed S/o Mohammed Khalil
& Ors. ..Defendants.

Mr. A.M.Saraogi for plaintiffs.

Mr.D.V.Deokar, 1st Assistant to Court Receiver present.

CORAM: A.M.KHANWILKAR,J

DATE : APRIL 4, 2007.

P.C. :

1. This Motion has been adjourned in the past. According to the plaintiffs, the defendants have been duly served. Inspite of service none appears for the defendants or for that matter the respondents. No reply has been filed by the opposite party. The averments in the affidavit in support of this Motion having remained uncontroverted, this Motion ought to succeed. There can be no doubt that the respondent Corporation is obliged to initiate necessary action with regard to any illegal structure. The direction sought in the present Notice of Motion is only for restating that position, which is the obligation of

the Corporation.

2. Accordingly, this Motion is made absolute in terms of prayer clause(a), while making it clear that the Corporation shall proceed against the subject structure after following due process of law. Motion disposed of on the above terms.